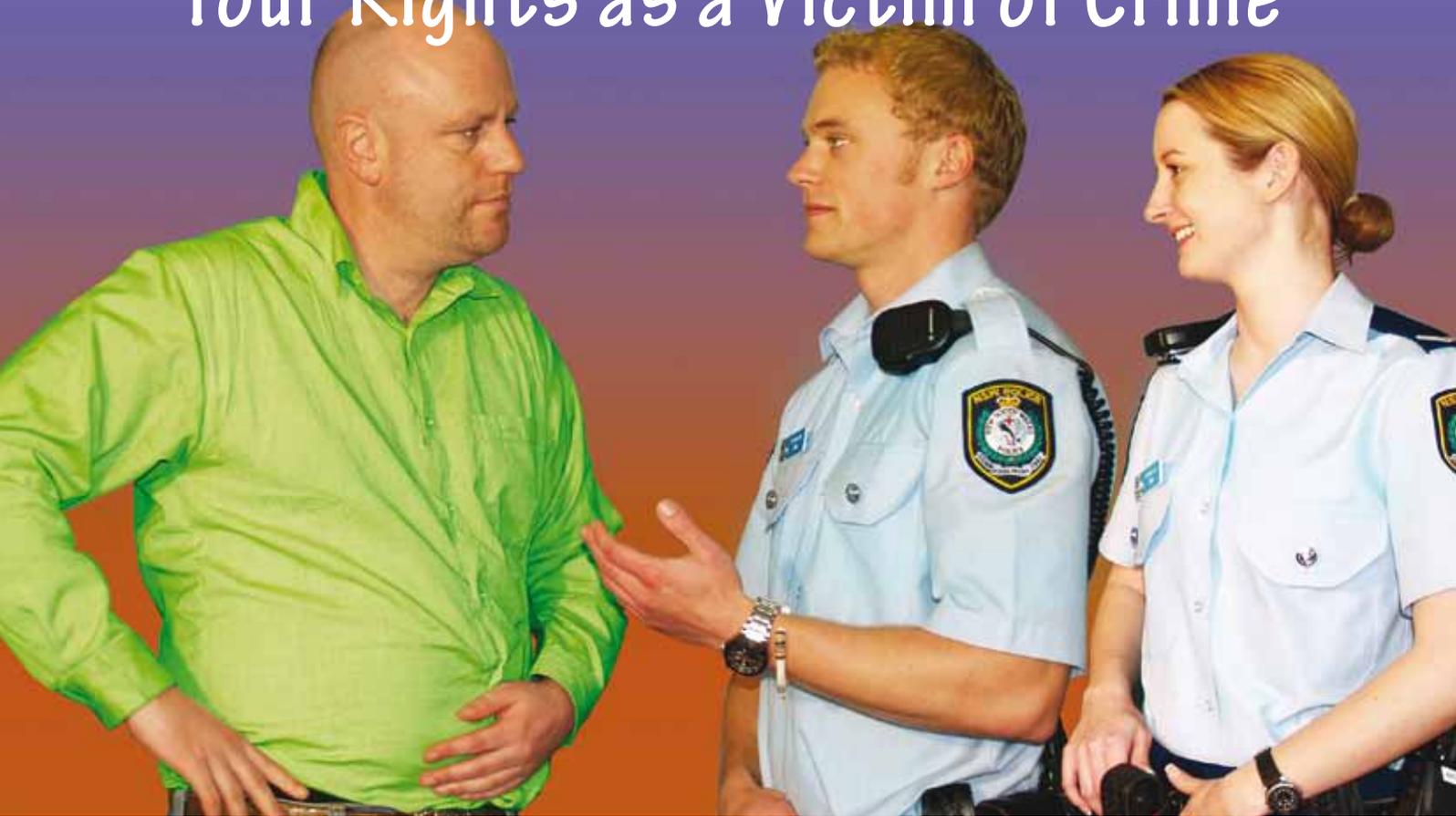


# Your Rights as a Victim of Crime



This booklet is designed to give victims of crime and the workers who support them a better understanding of their rights under the Charter of Victims Rights.

Jointly produced by the

NSW Trustee & Guardian, and Victims Services,  
NSW Department of Attorney General and Justice

Further copies may be obtained from

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This information may also be accessed on our website.

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Alternative formats of this information are available.

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## Introduction

If you become a victim of crime knowing your rights is very important. These rights are set out in the **Charter of Victims Rights**. The Charter says that all government departments and all non-government agencies and contractors funded by the State who provide support to victims of crime, must uphold your rights. You must be treated with courtesy, compassion and respect for your cultural background. You must be given information about services that can help you and you must receive information about how the investigation is progressing. If you need to go to court you must be given information about the trial and things that may happen after the trial.

This booklet has been developed by **Victims Services** and the **NSW Trustee & Guardian** in consultation with a range of other organisations. The booklet is designed to give a better understanding of their rights to people with a cognitive disability who are victims of crime and the workers who support them. **This is a plain English version of the Charter and terms used in it are not legal definitions.**

For further information and assistance you can contact **Victims Services** on **1800 633 063** or **(02) 8688 5511**.



**Victims Services**  
Attorney General & Justice



**NSW Trustee & Guardian**  
Attorney General & Justice

# Glossary

- Rights** A legal entitlement for victims of crime.
- Counsellor** Someone you can talk to about how you feel.
- Charge** What the person who hurt you is in trouble for.
- Prosecution** This is when people who break the law have to go to court.
- Court** The place where the decision is made about what will happen to the person who hurt you.
- Judge** This person is the boss of the court.
- Lawyer** A legally qualified person.
- Prosecutor** A lawyer who works for the government.
- Witness** Someone who has information about what happened to you.  
This information can help the court make a decision.
- Evidence** Information about what happened to you.
- Bail** Court cases can take a long time to get going. Sometimes people who have broken the law don't have to stay in gaol while they are waiting to go to court. They can go home. This is called bail. But they may have to pay money and report to the police to make sure they turn up in court.
- Parole** Leaving gaol earlier than the original sentence, but under special conditions.

# Charter of Victims Rights (Victims Rights Act 1996)

The **Charter of Victims Rights** is about how government departments and all non-government agencies and contractors funded by the State who provide support to victims of crime, should treat you if you are a victim of crime. You are a victim of crime if you have suffered harm as a direct result of a criminal offence.

## What can I do if I think my rights under the Charter are not being met?

1. Talk to the person you are dealing with about the problem. Usually the problem can be fixed that way.
2. If you are still not satisfied you can ask the person to tell you how to make a complaint to their department. You can get a friend or worker to help you make the complaint.
3. If you are still not satisfied after the complaint has been looked at, you can contact Victims Services. Their job is to help you with your complaint and tell you what they can do about it.

## Victims Services contact details

Phone..... 1800 633 063 / (02) 8688 5511  
Fax ..... (02) 8688 9632  
Email.....vs@agd.nsw.gov.au  
Website .....www.lawlink.nsw.gov.au/vs  
Postal Address.....Locked Bag 5118, Parramatta NSW 2124

# 1. Respect

You will be treated with respect, dignity and compassion. At all times your culture will be respected.

All state government employees as well as non-government agencies and contractors funded by the State who provide support to victims of crime must abide by the Charter of Victims Rights.

# 2. Information about services

You will be told as soon as possible about the different services that can help you, including counselling and legal services.

Often victims of crime require a range of services to help with their recovery.

# 3. Access to services

If you need medical, counselling, and legal help you will be able to get it if it is available.

You may already know of local support services who could help the victim. You can also call Victims Services on 1800 633 063 or (02) 8688 5511.

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Note: Material in **blue** is written for the victim of crime.

Material in **red** is written for their service provider or support worker.



You can tell people at the police station, hospital or a government department what happened to you. You will be treated with respect, dignity and compassion. They will listen to you and try to help you in a way that is understanding of your culture.

If you need more help, these people will tell you where you can get it.

There are lots of people you can talk to about what happened to you. Talking can help you feel better.

## 4. Information about investigation of the crime

If you ask, you will be told about how the police investigation is going. But in some cases there may be some things the police can't tell you.

The police will give the victim a **Victims Card**. This card gives the name and contact details of the police officer and a COPS event number.

On the back of the card there is also additional information about the **Charter of Victims Rights** and information about **Victims Services**.



The police will try to find out more about what happened to you and who was involved. This is called an investigation. You can call them and they will tell you any information they have.

## 5. Information about the prosecution

Prosecution is about taking the offender to court for the crime. This is done by the police, or, in more serious cases, the Director of Public Prosecutions.

- As a victim, you will be told:
  - ➔ what the charges are OR why the offender has NOT been charged;
  - ➔ any decision of the prosecution to change or drop charges;
  - ➔ the date and place of the court hearing;
  - ➔ the final court result, including any appeal or gaol sentence given.
- If the prosecution is thinking about changing or dropping the charges they will have a talk to you about this if the crime:
  - ➔ was a serious sex crime, OR
  - ➔ caused you physical harm, psychological or psychiatric harm.

BUT the prosecution don't have to talk to you if:

- ➔ you don't want to talk about it, OR
- ➔ they can't find you.

It is important to tell police if the victim has moved or changed their contact details.



If the police find the person who hurt you and they have enough information to take them to court, you can ask:

- what happens in the courtroom
- which court they will go to and the day you need to go
- what the person who hurt you is in trouble for (this is called being charged).

If the person who hurt you is not charged you will be told why they were not charged.

Sometimes the police cannot find the person who hurt you and there is no court hearing. You can still get help and support from counsellors and people with special skills to help you with what happened to you.

## 6. Information about being a witness

If you have to give evidence as a witness in a trial you will be told about HOW the trial works and WHAT you have to do.

There are a number of agencies who can assist the victim with court preparation and support. For information about these agencies call Victims Services on 1800 633 063 or (02) 8688 5511.

## 7. No contact with the offender

While your case is in court you will be protected from contact with the offender and the offender's witnesses.

You will need to inform the prosecutor if you have concerns for the victim. Safe rooms may be available in some courts.



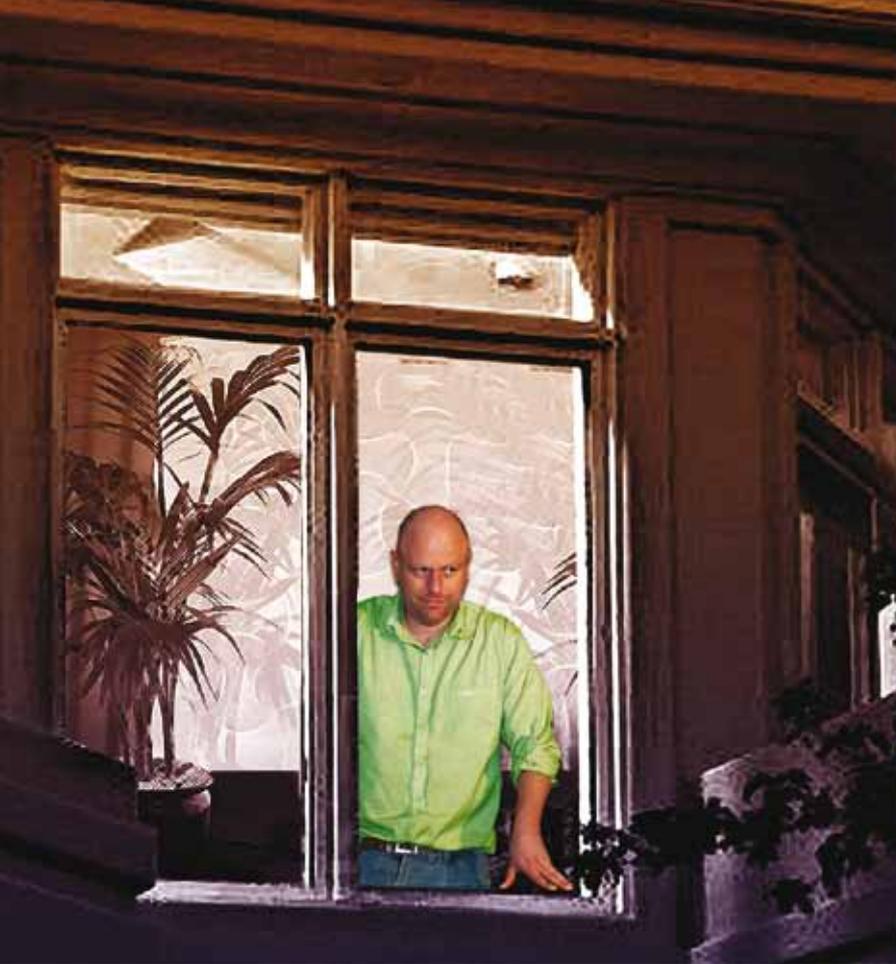
You may be asked to be a witness in the courtroom. You will be asked to tell the court what happened to you. This is called giving evidence.

You may see the person who hurt you in the courtroom but you do not have to talk to them.

## 8. Protection of your privacy

You can keep your address and phone numbers private unless the court says different.

You may need to remind any services involved with your client that the principles of confidentiality should be upheld at all times.



The person who hurt you will not be told where you live or be given your telephone number.

## 9. Court business before the trial

You do NOT have to go to any committal hearing (like a mini trial) or other court business before the trial UNLESS the court says you must.

Often victims of crime are worried about going to court. Certain serious crimes will have preliminary or committal hearings before the trial. The Charter relieves the victims from the need to attend preliminary hearings in most cases.



You will be told when you need to go to court. You may have to go more than once.

## 10. Returning your goods used as evidence

If the police or prosecution took any of your goods as evidence you have the right to get it back as soon as possible.

The victim may not have their property returned until the court processes are complete and the appeal period has expired.

The Police Officer-in-Charge should be contacted if the victim needs their goods returned.



If anything of yours was needed in court, you will get it back.

## 1 1. Your protection

If you need protection tell the police or prosecution when the offender applies for bail.

You will need to inform the prosecutor about the victim's need for protection.

## 1 2. Special bail conditions

You will be told about any special bail conditions the offender is given, which are meant to protect you or your family, like a condition which says the offender must not contact you.

You should ask the prosecutor if there are any special bail conditions.

## 1 3. Bail decision

If you were the victim of sexual assault or other serious assault you will be told if the offender gets bail or not.



If the person who hurt you is charged, you can tell the prosecutor if you think they may hurt you again. This will help the judge (boss of the court) decide if the person should be allowed to go home (this is called bail) or be put in gaol until the next court date.

If the person is allowed to go home, they can be stopped from coming near you. You will be told what the judge decides.

## 14. Victim impact statement

In some cases you can tell the court about how the crime has affected you. If you want to do this you will be given help and support to do this. This is called giving a 'victim impact statement'.

This is an opportunity for the victim to tell the court how the crime has affected them. You should contact the **Victims Access Line** on **1800 633 063** or **(02) 8688 5511** if the victim requires assistance with their victim impact statement.

The victim can read their statement out themselves or they can ask the court's permission to have someone else read it out for them.

This can be done after the offender is found guilty and before they are sentenced.



You can tell the court:

- how you felt when you were hurt
- how your life is different now.

This is called a **Victim Impact Statement**. There are rules about making a statement. You can get help to do this from a support person or call the **Victims Access Line** on 1800 633 063.

## 15. When the offender gets released

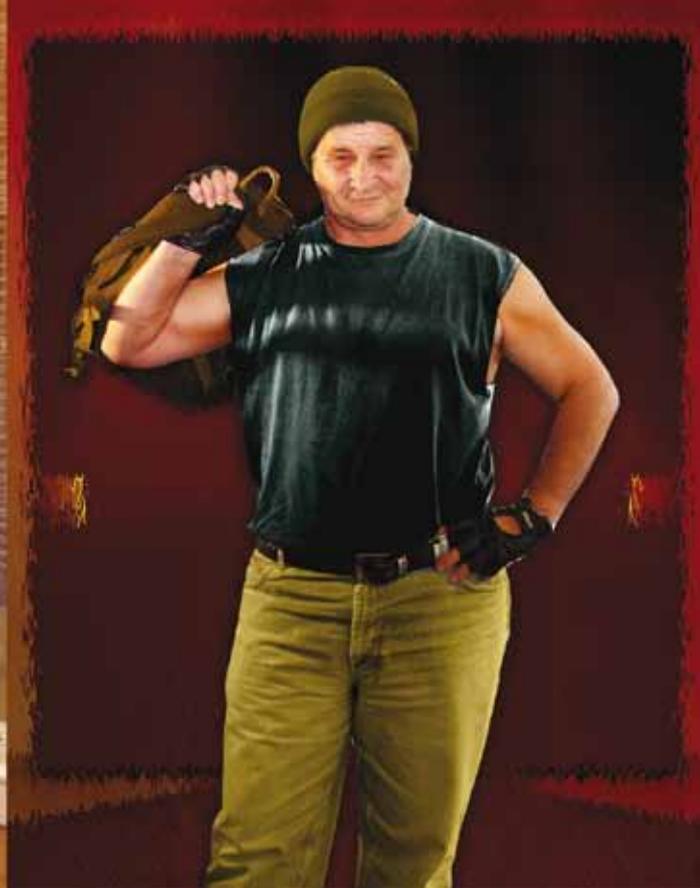
If the offender is in gaol you can be told if the offender is going to be released from gaol soon, has escaped gaol or is on day release.

You need to place the victim on the **Victims Register**. To get information about this, call **Victims Services** on 1800 633 063 or (02) 8688 5511 or visit the website [www.lawlink.nsw.gov.au/vs](http://www.lawlink.nsw.gov.au/vs)

## 16. When the offender applies for parole

You can have a say if your offender applies for parole.

You need to place the victim on the **Victims Register**. To get information about this, call **Victims Services** on 1800 633 063 or (02) 8688 5511 or visit the website [www.lawlink.nsw.gov.au/vs](http://www.lawlink.nsw.gov.au/vs)



You can ask to be told when the person who hurt you is leaving gaol; if they are allowed to leave gaol early (this is called parole); if they escape; or if they are moved to another place. Call Victims Services to help you do this.

## 17. Victims compensation

If you were the victim of serious personal violence, you can apply for victims compensation.

You can download the forms for the victim from [www.lawlink.nsw.gov.au/vs](http://www.lawlink.nsw.gov.au/vs) or contact Victims Services on 1800 633 063 or (02) 8688 5511.

Lawyer costs for victims compensation applications are paid for by the Victims Compensation Tribunal.

The victim may also be eligible for free counselling under the Approved Counselling Scheme. Further information is available from Victims Services on 1800 633 063 or (02) 8688 5511.



If you were hurt very badly you may be able to get some money to help you. You can call Victims Services to help you with this.

# 18. Information about complaint procedures

You can make a complaint if you think your rights under the Charter have not been met. You can ask for information about how to do this.

1. You should talk to the person you are dealing with in the government agency about the problem. Usually the problem can be fixed that way.
2. If you are still not satisfied, you can ask the staff to tell you how to make a complaint to the agency. They can arrange interpreters or other assistance if required. You can ask someone you trust to support you.
3. If you are still not satisfied after the complaint has been looked at by the government agency, or are concerned about doing this, you can contact **Victims Services** on **1800 633 063** or **(02) 8688 5511**. It is **Victims Services'** job to help you with your complaint and tell you what can be done about it.

Agencies have a responsibility to provide information to victims of crime regarding the procedure for making complaints about service delivery or treatment of the victim in relation to the **Charter of Victims Rights**.



If you think your rights haven't been met, you can ask for information about how to make a complaint and these people will help you.





